

## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **In the specification:**

Paragraph beginning at page 9, line 17 has been amended as follows:

The present scoop may be manufactured from several types of materials including various plastic and metallic compounds. One important aspect of the present scoop is that it may be used to improve sanitation in retail and commercial applications by reducing contact between the operator and the products. This is accomplished by installing the scoop and/or any related assemblies with the container before it is distributed, and disposing of the scoop along with the container once the product is emptied from the container. Since the scoop does not have to be re-used, problems associated [associate] with improper cleansing and transferring contaminated implements from one container to another are avoided. Further, use of the present scoop reduces manual handling of the product, thereby reducing the risk of product contamination by humans.

Paragraph beginning at page 10, line 4 has been rewritten as follows:

Figs 7 and 8 show alternate means for rotating the scoop or the container. Figure 7 shows a conventional, motorized gear and sprocket mechanism 90 wherein the gearing 92 may be attached to the edge of a lid containing scoop member 94. Alternatively, the gearing may be attached to the container, depending on whether the scoop or the container is to be rotated. Fig. 8 shows a conventional motorized belt mechanism 100 attached to the lid containing scoop member 102 that may be used to rotate the scoop or the container. Further, the scoop or the container may be rotated manually using an external handle.

**In the claims:**

The claims have been amended as follows:

1. (Amended) An apparatus for removing frozen food product from a container comprising:

- a scoop engageable with the product on one side of the container, the scoop having a channel formed extending along one side thereof;
- a trailing edge extending along a portion of one side of the channel;
- a leading edge extending along a portion of the opposite side of the channel, the trailing edge extending [sidewardly] outwardly further than the leading edge for engaging and removing product from the exposed side of the container when the scoop is moved relative to the container.

7. (Amended) An apparatus for forming scoops of [ice cream] food product including:

- an elongated arcuate shaped scoop member mounted adjacent an open end of a container of food product, said scoop member including an arcuately curved, tapered channel portion, a leading edge extending along one side of the channel portion, a trailing edge extending along the opposite [one] side of the channel portion, said trailing edge extending outwardly further than said leading edge, an opening in the scoop member adjacent to one end of the channel portion, and a central enlarged spherical portion adjacent the opening;

- means for rotating the scoop member relative to the container of food product, the trailing edge engaging the food product and gathering the food product into the channel portion from the container as the scoop member is rotated relative to the container, the channel portion guiding the gathered food product toward the opening and toward the spherical portion of the scoop member.

Claim 8 has been canceled.

9. (Amended) An apparatus for dispensing food product from an end of a container including:

a scoop member mounted adjacent to the container end, said scoop member including a channel portion with a leading edge extending along one side of the channel portion, a trailing edge extending along the opposite side of the channel portion, said trailing edge extending outwardly further than said leading edge for engaging the food product in the container and directing it into and along the channel portion;

an opening through the scoop member adjacent one end of the channel portion;

means for rotating the container relative to the scoop member whereby the scoop member gathers food product from the container, the channel portion being tapered to force the gathered food product through and along the channel portion toward the opening in the scoop member; and

a device for [pushing] removing the food product [toward] from the opening in the scoop member as the [scoop] container is rotated relative to the [container] scoop member and food product is removed from the container.

10. (Amended) An apparatus for removing frozen food products [such as ice cream and the like] from a container of said product comprising:

a support structure for holding the container with an open side of the container exposed, as product is removed therefrom,

a scoop assembly mounted adjacent to the open side of the container for movement relative thereto, said scoop assembly including an elongated member having a cavity formed on one side, said cavity extending between opposed side edges, one of which extends outwardly from the cavity further than the other, means for supporting said scoop assembly in position to have the more outwardly projecting side edge engage the food product in the container such that movement of the scoop assembly relative to the container will cause food product in the container to move into the cavity and toward one

end thereof, an opening in said cavity adjacent to said one end through which the food product can escape from the cavity, and

means to produce relative movement between the scoop assembly and the container.

11. (Amended) The apparatus of claim 10 wherein the means for producing relative motion between [moving] the scoop assembly and [relative to] the container includes means to control the amount of food product that is scooped from the container each time relative movement is produced therebetween.

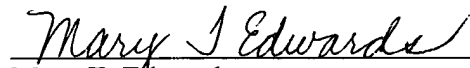
12. (Amended) The apparatus of claim 10 wherein the container is a cylindrical container, one end of which is open to expose the food product contained therein, the scoop assembly being positioned adjacent to said exposed end of the container and extending substantially from the center of the exposed end to the edge thereof whereby the scoop assembly removes food product from the container in a circular path.

13. (Amended) The apparatus of claim 10 wherein the cavity in the scoop assembly is curved in shape and one end of the cavity is deeper than the opposite end, and [an] said opening in said deep end through which the scraped food product passes when the scoop assembly and container are moved relatively to one another. [moves relative to the container.]

Applicants' attorney apologizes for submitting an amendment without a clean version and a marked-up version of the replacement paragraphs and appreciates the opportunity to correct the omission. If the Examiner has any comments or suggestions for the amendment that would place the present claims in better condition for allowance, Applicants' undersigned attorney would appreciate a telephone call at the number indicated below.

Respectfully submitted,

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